

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL 1570 (RCC)

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THIS DOCUMENT RELATES TO:

***THOMAS E. BURNETT, SR., ET AL. VS. AL BARAKA
INVESTMENT AND DEVELOPMENT CORP., ET AL.
03 CV 9849 (RCC); 03 CV 5738 (RCC)***

**DECLARATION OF JODI WESTBROOK FLOWERS IN SUPPORT OF PLAINTIFFS'
MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANT ADEL A.J. BATTERJEE'S
MOTION TO DISMISS WITH SUPPORTING POINTS AND AUTHORITIES**

JODI WESTBROOK FLOWERS declares under penalty of perjury:

1. I am attorney admitted to practice *pro hac vice* before this Court and am a member of MOTLEY RICE LLC, counsel for plaintiffs in *Burnett, et al. v. Al Baraka Investment & Development Corp., et al.*, Civil Action Nos. 03 CV 9849 and 03 CV 5738. I submit this declaration to provide the Court with the exhibits on which Plaintiffs rely in their Memorandum of Law in Opposition to Defendant Adel A.J. Batterjee's Motion to Dismiss with Supporting Points and Authorities.

2. Attachment 1 is a true and accurate electronic version of the original Affidavit of Evan Kohlmann, in support of Exhibits 1 through 6.

3. Attachment 2 is a true and accurate copy of IRS Form 1023, Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code, filed by Benevolence International Foundation on June 18, 1992.

4. Attachment 3 is a true and accurate copy of the Florida Application by

Foreign Not For Profit Corporation for Authorization to Conduct its Affairs in Florida as filed by Benevolence International Foundation, Inc. on February 12, 1993.

5. Attachment 4 is a true and accurate reproduction of an article from the New York Times dated December 5, 1992 and entitled, "Muslims – From Afar Joining 'Holy War' in Bosnia."

6. Attachment 5 is a true and accurate copy of the "Contribution" section of the IRS Form 990 filed by Benevolence International Foundation filed in 2000 as received by my office in the course of the investigation.

7. Attachment 6 is a true and accurate copy of the search results for the Internet domain name ownership of the website www.bifint.org.

8. Attachment 7 is a true and accurate copy of the Indictment of Enaam M. Arnaout in the case of *USA vs. Enaam M. Arnaout*, Case No. 02-CR-892 (U.S.D.C., Northern District of Illinois, Eastern Division).

9. Attachment 8 is a true and accurate copy of a document seized by the Bosnian police during searches of the offices of the Defendant Benevolence International Foundation in Sarajevo, Bosnia and Herzegovina in March 2002 and presented as evidence by the United States government in a criminal prosecution involving al Qaeda, bates numbers B0S000001, B0S000002, and B0S000003, and referred to as the "golden chain." The golden chain list was presented by the United States government as Exhibit 5 to the Department of Justice's Government's Evidentiary Proffer Supporting the Admissibility of Co-conspirator Statements in the case of *USA v. Arnaout*, Case No. 02-CR-892 (U.S.D.C., Northern District of Illinois, Eastern Division) filed on January 29, 2003. The list was also included in the Indictment of Defendant Enaam Arnaout on

October 9, 2002. The golden chain document was found in a computer file labeled "Tareekh Osama," or "Osama History." The government exhibit contained both the original Arabic document and its English translation, both of which are attached as Attachment 8.

10. Attachment 9 is a true and accurate copy of a document presented as Exhibit 52 to the Government's Evidentiary Proffer Supporting the Admissibility of Co-conspirator Statements" in *U.S. vs. Enaam M. Arnaout*, Case No. 02-CR-892, (U.S.D.C., Northern District of Illinois, Eastern Division) filed on January 29, 2003, bates numbers B0S000224 - B0S000227. The document was also seized by the Bosnian police during searches of the offices of the Defendant Benevolence International Foundation in Sarajevo, Bosnia and Herzegovina in March 2002 and presented evidence by the U.S. government in a criminal prosecution of involving al Qaeda. The government exhibit contained both the original Arabic document and its English translation, both of which are attached as Attachment 9.

11. Attachment 10 is a true and accurate copy of a document presented as Exhibit 53 to the Government's Evidentiary Proffer Supporting the Admissibility of Co-conspirator Statements" in *U.S. vs. Enaam M. Arnaout*, Case No. 02-CR-892, (U.S.D.C., Northern District of Illinois, Eastern Division) filed on January 29, 2003, bates numbers B0S000228 - B0S000230. The document was also seized by the Bosnian police during searches of the offices of the Defendant Benevolence International Foundation in Sarajevo, Bosnia and Herzegovina in March 2002 and presented evidence by the U.S. government in a criminal prosecution of involving al Qaeda. The government exhibit contained both the original Arabic document and its English translation, both of which

are attached as Attachment 10.

12. Attachment 11 is a true and accurate copy of a document presented as Exhibit 68 to the Government's Evidentiary Proffer Supporting the Admissibility of Co-conspirator Statements" in *U.S. vs. Enaam M. Arnaout*, Case No. 02-CR-892, (U.S.D.C., Northern District of Illinois, Eastern Division) filed on January 29, 2003, bates numbers B0S000273 - B0S000274. The document was also seized by the Bosnian police during searches of the offices of the Defendant Benevolence International Foundation in Sarajevo, Bosnia and Herzegovina in March 2002 and presented evidence by the U.S. government in a criminal prosecution of involving al Qaeda. The government exhibit contained both the original Arabic document and its English translation, both of which are attached as Attachment 11.

13. Attachment 12 is a true and accurate copy of a document presented as Exhibit 69 to the Government's Evidentiary Proffer Supporting the Admissibility of Co-conspirator Statements" in *U.S. vs. Enaam M. Arnaout*, Case No. 02-CR-892, (U.S.D.C., Northern District of Illinois, Eastern Division) filed on January 29, 2003, bates numbers B0S000275 - B0S000276. The document was also seized by the Bosnian police during searches of the offices of the Defendant Benevolence International Foundation in Sarajevo, Bosnia and Herzegovina in March 2002 and presented evidence by the U.S. government in a criminal prosecution of involving al Qaeda. The government exhibit contained both the original Arabic document and its English translation, both of which are attached as Attachment 12.

14. Attachment 13 is a true and accurate copy of an English document presented as Exhibit 178 to the Government's Evidentiary Proffer Supporting the

Admissibility of Co-conspirator Statements" in *U.S. vs. Enaam M. Arnaout*, Case No. 02-CR-892, (U.S.D.C., Northern District of Illinois, Eastern Division) filed on January 29, 2003, bates numbers FTR000257 – FTR00283.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 4, 2004.



JODI WESTBROOK FLOWERS